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OFFICE OF PETITIONS

In re Application of Oshima et al.	:	
Application No. 10/782,411	:	Decision on Petition
Filing Date: February 20, 2004	:	
Attorney Docket No. 2004_0262	:	

This is a decision on the December 17, 2007 "Petition Under 37 CFR 1.183 to Accept Substitute Specification in Reissue Application." The petition requests waiver of the prohibition in 37 CFR 1.125(d) against the filing of a substitute specification in a reissue application. The petition is also being treated as a request to waive 37 CFR 1.173(a)(1) in addition to 37 CFR 1.125(d).

The petition is **granted**.

37 CFR 1.125(d) prohibits the filing of a substitute specification in a reissue application.

37 CFR 1.173(a)(1) requires a specification be in the form of "a copy of the printed patent, in double column format." The substitute specification is not a copy of the printed patent in double column format. Therefore, in order for relief to be granted, the Office must waive the requirements of 37 CFR 1.173(a)(1).

Petitioner's request is the result of the fact that in "a telephone conversation with the Examiner in connection with reissue application 09/686,464, which is also a divisional application of reissue application 09/244,037, the Examiner required a substitute specification and indicated that substitute specifications would be required in all of the related reissue applications of U.S. patent 5,600,672 if the same specification amendments were to be entered."

The examiner's requirement for a substitute specification is deemed appropriate. There is no way for petitioner to comply with the examiner's requirement absent waiver of the rules. Therefore, the petition is granted and the requirements of 37 CFR 1.125(d) and 37 CFR 1.173(a)(1) are hereby waived.

Technology Center Art Unit 2611 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions